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Attorneys for Plaintiff
X Corp.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

X CORP., a Nevada corporation,

Plaintiff,

vs.

BRIGHT DATA LTD., an Israeli
corporation,

Defendant.

Case No. 3:23-cv-03698-WHA

**X CORP.'S OBJECTIONS TO
EVIDENCE SUBMITTED WITH
BRIGHT DATA'S REPLY IN SUPPORT
OF ITS MOTION FOR SUMMARY
JUDGMENT**

Date: March 28, 2024
Time: 8:00 a.m.
Ctmm: 12, 19th Floor

Hon. William Alsup

Plaintiff X Corp. (“X Corp.”) submits the following written objections to Defendant Bright Data Ltd.’s (“Bright Data”) evidence submitted with Bright Data’s Reply in Support of Its Motion for Summary Judgment (the “Reply”).¹ X Corp. objects to Exhibit 5² to Bright Data’s Reply as inadmissible hearsay under Rule 802 of the Federal Rules of Evidence. Exhibit 5 is a letter dated February 13, 2024, from counsel for Bright Data to counsel for X Corp. The letter is improperly submitted for the truth of the matters asserted therein, including the following:

- Bright Data terminated its X accounts, including @bright_data and @hola_org, as of September 25, 2023;
- Bright Data is no longer using X Corp.’s Services;
- Bright Data does not have access or control over the @luminatinetwork and @luminati_proxy accounts;
- The @luminatinetwork and @luminati_proxy accounts were opened by former employees who are no longer with Bright Data;
- The @luminatinetwork and @luminati_proxy accounts have been unused since 2018 and 2016, respectively;
- Bright Data and X Corp. have no contractual relationship.

All of the above unsworn factual assertions, as well as all other factual assertions in Exhibit 5, are inadmissible hearsay. X Corp. requests this Court sustain its objection to Exhibit 5 and all factual assertions therein and strike the exhibit from the summary judgment record.

¹ Dkt. 70.

² Dkt. 70-01.

Dated: February 21, 2024

Respectfully submitted,

HAYNES AND BOONE, LLP

By: /s/ Jason T. Lao
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, a true and correct copy of the foregoing document was served by filing the same via the Court's CM/ECF system, which will provide notice of the filing of same to all counsel of record.

Date: February 21, 2024

/s/ Jason T. Lao

Jason T. Lao